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EXAMINER

PUROL, DAVID M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/602,502

Applicant(s)

PARK, WON-SEO

Examiner

David M Purol

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8/1 is/are rejected.
- 7) ☒ Claim(s) 7, 8/4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06242003</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. On page 8, line 2 "to a installation" should be --to an installation--.

On page 10, line 3 recites "the driving pulley 22" wherein the reference numeral 22 has been used previously to denote the monitoring pulley. Only one particular reference numeral is to be used to denote a specific element.

Correction is required.

2. Claims 1-3,8/1 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 3 recites "are built" which is an idiomatic error.

Claim 1, lines 4-5 recite "for transferring a curtain transferring wire using a rotational force of a rotational shaft of a motor" which be referring to the curtain transferring wire and rotational shaft of a motor in functional language sets forth that the the curtain transferring wire and rotational shaft of a motor are not positively claimed elements of the invention. However, claim 3 states that the wire rotates the first rotational body and that the sensing means senses a moving state of the wire which can only be accurate recitations if the curtain transferring wire and rotational shaft of a motor are positively claimed elements of the invention. Elements of an invention to which it is necessary to refer in order to define other elements of the invention are to be positively included in the claims.

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Miki. Miki discloses an assembled electromotive curtain comprising a main controller 9, a wire driving part 10,7, a main rail 1, an auxiliary rail 11a, a tension maintaining part 22,23.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


Claims 3,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miki in view of Boss. While Miki does not disclose a sensing means, Boss discloses an assembled electromotive curtain comprising a sensing means 25, wherein, to incorporate this teaching into the assembled electromotive curtain of Miki for the purpose of selectively operating the curtain automatically would have been obvious to one of ordinary skill in the art.

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5. Claims 7, 8/4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Hager et al, Shayman, Schulze-Robbecke et al, Ogita, Comeau, Debs, Kaucic et al, Maesaki.

7. Any inquiry concerning this communication should be directed to David M Purol at telephone number 703/308-2168.

  
**David M Purol**  
**Primary Examiner**  
**Art Unit 3634**